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GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSIÓN LINA'LA' GUÁHAN

LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO • ADMINISTRATOR | MICHELLE C. R. LASTIMOZA • DEPUTY ADMINISTRATOR

Mr. Chul Woo Park
(Respondent)
P.O. BOX 27333
Barrigada, Guam 96921

FEB 23 2023

Delivered by: Ron Charfauros

Subject: Notice of Violation / Compliance Order / Proposed Penalty Order

The stated purpose of the Guam Soil Erosion and Sediment Control Regulations (GSESCR), 22 GAR Chapter 10, as implemented by Public Law 25-152, is “to control accelerated soil erosion, thereby preventing the pollution of Guam’s waters from fertilizers, pesticides, sediments and other polluting substances carried by sediment, and to protect property and to promote the public health, safety and welfare by regulating grading, clearing, grubbing and stockpiling, and by setting minimum standards for erosion and sedimentation control for the island of Guam.” As described herein, the Guam Environmental Protection Agency (GEPA) finds that Mr. Chul Woo Park (“Respondent”) has violated the GSESCR and is ordered to stop work, undertake remedial action(s), and pay a penalty as stated herein.

BACKGROUND

On November 15, 2021, in response to a complaint from the public, GEPA inspectors Ron Charfauros and Helen Gumataotao inspected earth-moving activities which were occurring without a permit at Lot No. 5119-2-NEW in Upper Tumon. GEPA staff inspected the site on November 15 and observed evidence of on-going clearing and grading activities, including the exposure of soils on steep side slopes without the use of any erosion and sediment control best management practices, and the presence of solid waste which appeared to have been pushed over the steep slope. While inspecting the site on November 15, the GEPA inspectors met with a man who identified himself as a worker at the site, and who behaved in an erratic manner. This person indicated that he was working at the project site but would not provide any information concerning who the owner was, or who was directing the work that was observed to be on-going. The same GEPA staff returned to the same location on November 16, 2021, and found that Respondent lives and maintains an office on the same lot, and appeared to be in direct control of the on-going earth-moving activities. The same GEPA staff returned to the site again on November 17, 2021, and issued a Stop Work Order (“Order”) to Respondent. The Order required Respondent to immediately cease all earth-moving and construction activities, apply for a permit to the Department of Public Works (DPW), install perimeter sediment controls such as silt fence, and remove all solid waste located in the fill/grubbing area on the slope. During this visit, Respondent indicated that he did not speak English well. Respondent’s son, Mr. Dae Il Park, was present when GEPA staff met with Respondent, and offered to translate for him. Mr. Dae Il Park confirmed that

the earth-moving activities had been conducted at Respondent's direction, and stated that he would explain to Respondent the requirements contained in the Order.

On April 1, 2022, GEPA Inspectors Ron Charfauros and Helen Gumataotao conducted a follow-up inspection at Lot No. 5119-2-NEW in Upper Tumon. They observed that Respondent had not installed perimeter sediment controls and had not removed the solid waste as directed in the November 15, 2022 Order. They also observed that a number of recreational vehicle (RV)-type trailers had been moved onto the site. In addition, GEPA confirmed with DPW that Respondent had not applied for a permit as required in the same order. GEPA staff spoke again with Respondent and his son Mr. Dae Il Park, and reminded him of his obligation to comply with the November 15, 2021 Order, and warned Respondent that he may face penalties if he continued to fail to comply. Mr. Dae Il Park stated that he understood, and that he would inform Respondent.

On June 25, 2022, GEPA received a complaint of dumping of metallic debris over the edge of the steep slope on Respondent's property at Lot No. 5119-2-NEW in Upper Tumon, along with a video which showed, in silhouette viewed from below, a flatbed truck with a light-colored cab and a grapppler arm lifting metal debris and dumping it over the slope where previous earth-moving activities and solid waste had been observed by GEPA staff. GEPA Inspector Richard Diego responded and on June 30, 2022, issued a written warning (Complaint No. 2022-0539) to Respondent, for violations of the Solid Waste Management and Litter Control Law, 10 GCA Chapter 51. Respondent's son, Mr. Dae Il Park, signed the Written Warning for Respondent. The Written Warning required three corrective measures, including that Respondent cease all illegal solid waste activity, that he clean and adequately dispose of all solid wastes located "at the rear portion of the property," and that he provide copies of solid waste disposal receipts to GEPA within seven days of completion.

On July 25, 2022, GEPA inspectors Ron Charfauros and Helen Gumataotao inspected a property near Tanguisson Beach, on Lot No. 10187, Dededo (formerly Estate 104), in response to a public complaint regarding unpermitted clearing activities. They observed evidence of on-going earth-moving activities including clearing, grading and filling without the installation of erosion and sediment control best management practices. While at the site they also observed the presence of two flatbed trucks including a flatbed with a white cab and a grapppler arm with "GSM" and "Recycle" printed on the driver's door, license plate 4448 CV. The driver of the other flatbed, license plate 1711 CV, exited that truck and became hostile with the GEPA inspectors, including motioning as if to fight. The GEPA inspectors retreated and called the Guam Police Department (GPD) for assistance. When GPD arrived, the worker and his companions had departed the site and could not be found.

On July 29, 2022 GEPA Inspectors Ron Charfauros and Helen Gumataotao returned to Respondent's office at Lot No. 5119-2-NEW in Upper Tumon, on the basis of recognizing the worker who had greeted them with hostility near Tanguisson Beach as the same person who had identified himself as an employee of Respondent and behaved erratically during the November 15, 2021 inspection in Upper Tumon. While there, the GEPA inspectors noted the presence of the same flatbed truck with grapppler arm (license plate 4448 CV) that had been observed at the Tanguisson Beach property on July 25, 2022. They again spoke with Respondent's son, Mr. Dae Il Park, who acknowledged that Respondent had conducted the clearing near Tanguisson beach for the purpose of relocating the RV trailers to that location. The GEPA staff also observed what appeared to be a holding tank staged near the RV trailers. Mr. Dae Il Park told the GEPA

Inspectors that he was not aware that a permit was required to conduct clearing and grading activities.

On November 30, 2022, GEPA Inspectors Ron Charfauros and Helen Gumataotao conducted a follow-up inspection at Lot No. 10187, near Tanguisson Beach, on the basis of an observation that the RV trailers formerly stored at Lot No. 5119-2-NEW in Upper Tumon were no longer visible from the public roadway. At Lot No. 10187 near Tanguisson Beach, they observed that an electrical power pedestal had been recently installed, which was already connected to public power along with a Guam Power Authority meter. Additional, recent clearing and grading work was observed from the power pedestal leading into the beach property. GEPA has no record of receiving any permit application for the installation of the power pedestal or of the additional clearing work apparently conducted as part of its installation.

On December 28, 2022, GEPA staff became aware of the presence of a new commercial venture operating at the same location near Tanguisson Beach, through a social media post titled "Mushroom Rock Camping Night", posted by "Have a SUP in Guam". Photos on the social media post showed a number of RV-type trailers matching the appearance of the trailers observed at Respondent's property in Upper Tumon, in use by guests at the same location near Tanguisson Beach that GEPA Inspectors had observed the previous clearing activities. GEPA Inspectors visited the site again on January 13, 2023 and observed ten (10) RV trailers located at the site, and a sign stating "Guam Caravan Camping", "caravan Camping at Mushroom Rock", "welcome to Campfire and Party at our Site", and "The Sea, Horizon, and Starlight Tour Available now for All" at the gate, with other text printed in Korean. GEPA staff observed that a potable water plumbing and distribution system had been installed and served each RV trailer, and that wastewater piping had also been installed. The potable water source appeared to be a blackish, discolored trailer with a painted-over label stating "Potable Water". The wastewater piping led to an excavation in the beach sand in which another tank-like structure was partially buried. GEPA has no record of a permit application for the observed earthmoving and other development activities at Lot No. 10187 near Tanguisson Beach, or at Lot No. 5119-2-NEW in Upper Tumon.

The Guam Power Authority (GPA) provided information that the power meter observed at the site was registered to a company named "Guam USA Caravan Corp." GEPA staff contacted the phone number provided by GPA and spoke with Mr. Dale Park, who identified himself as the 'Location Manager' for Guam USA Caravan Corp, who acknowledged that they were looking to open the RV trailer operation in February. Additional investigation by GEPA staff led to the discovery of advertising materials and pricing for ten RV trailers named after Guam villages, sleeping 2 to 6 each (total occupancy of 53 when combined) and nightly rates of \$400 to \$600. The phone number provided in the advertising materials led to "Hkt Rent Car" located at 177B E Harmon Industrial Park Road, as well as a business named "Sup in Guam" located at 330 S Marine Corps Dr.

See attached inspection reports for additional details.

NOTICE OF VIOLATION

Based on the facts described above, GEPA finds that Respondent violated the following provisions of the Guam Soil Erosion and Sediment Control Regulations, 22 GAR Chapter 10, as implemented by Public Law 25-152:

1. 22 GAR §10104(a) Permit Issuance and Denials: Permits Required. (1) *Unless exempted, no person shall commence or perform any grading, clearing, grubbing, embankment, filling, excavation or other earth-moving activity without a grading permit;* (2) *Unless exempted, no person shall commence or perform any stockpiling without a stockpiling permit.*

Respondent performed earth-moving activities at Lot 5119-2-NEW located in Upper Tumon including grading, clearing and grubbing, without a grading permit.

2. 22 GAR §10104(a) Permit Issuance and Denials: Permits Required. (1) *Unless exempted, no person shall commence or perform any grading, clearing, grubbing, embankment, filling, excavation or other earth-moving activity without a grading permit;* (2) *Unless exempted, no person shall commence or perform any stockpiling without a stockpiling permit.*

Respondent performed earth-moving activities at Lot No. 10187, Dededo, located near Tanguisson Beach including grading, clearing and grubbing, without a grading permit.

3. Stop Work Order dated November 17, 2021, issued pursuant to 22 GAR §10111(c).

Respondent continued to perform earth-moving operations at Lot 5119-2-NEW located in Upper Tumon in violation of the November 17, 2021 Stop Work Order issued under 22 GAR §10111(c), which is a violation of a lawful order as described in 2 GAR §10115(a)(2) and subject to the assessment of a civil penalty.

4. 22 GAR §10106(a)(1) Erosion and Sediment Control Plans and Measures: General policies for Erosion and Sediment Control. *All earth-moving operations on Guam shall be conducted in a manner that prevents accelerated land erosion, transportation of sediment to and along highways, or siltation of rivers, estuaries and marine waters.*

Respondent failed to conduct the earth moving activities undertaken at Lot 5119-2-NEW located in Upper Tumon in a manner that prevents accelerated land erosion and siltation of marine waters. Specifically, the earth-moving activities were being conducted without the installation or use of any erosion and sediment control (E&SC) best management practices (BMPs) at all.

5. 22 GAR §10106(a)(1) Erosion and Sediment Control Plans and Measures: General policies for Erosion and Sediment Control. *All earth-moving operations on Guam shall be conducted in a manner that prevents accelerated land erosion, transportation of sediment to and along highways, or siltation of rivers, estuaries and marine waters.*

Respondent failed to conduct the earth moving activities undertaken at Lot No. 10187, Dededo, located near Tanguisson Beach, in a manner that prevents accelerated land erosion and siltation of marine waters. Specifically, the earth-moving activities were being conducted without the installation or use of any erosion and sediment control (E&SC) best management practices (BMPs) at all.

COMPLIANCE ORDER:

Based on the foregoing Violations and pursuant to the authority granted to GEPA by 10 GCA Chapter 47 and Public Law 25-152, Respondent is **HEREBY ORDERED** to undertake the following remedial actions:

1. **Immediately upon receipt of this order:** Cease all earth moving and construction work pursuant to 22 GAR §10111(c) ("Stop Work Order") and do not resume until a valid after-the-fact permit has been obtained.
2. **Immediately upon receipt of this order:** Cease all use and occupancy of the RV trailer rental operation at Lot No. 10187, Dededo, located near Tanguisson Beach. Immediately pump out all collected wastewater using a GEPA-licensed wastewater pumping company and dispose of all wastewater at a GEPA-approved location.
3. **Within fifteen (15) days of receipt of this order:** Apply for an after-the-fact permit pursuant to 22 GAR §10111(c) ("Stop Work Order"), one application for each location, and pay the required permit fees, which pursuant to §10109(f) ("Work occurring without a permit") and §10110(c) ("Permit expiration") amount to two times the normal fees specified under §10110. Both permit applications must disclose all activities proposed to be conducted at both locations, including the use of trailers (RVs) to house guests, and the methods by which drinking water will be provided, and how wastewater will be collected and disposed.
4. **Additional violations and order items may be forthcoming:** operation of a public drinking water system without written approval is a violation of the Guam Safe Drinking Water Act, 10 GCA Chapter 53, and the construction and operation of a wastewater disposal system without a permit is a violation of the Guam Toilet Facilities and Sewage Disposal Act, 10 GCA Chapter 48. The issuance of this Notice of Violation / Compliance Order / Proposed Penalty Order does not waive GEPA's authority to file additional notices of violation, compliance orders, or penalties.

PENALTY ORDER:

Based on the foregoing Violations and pursuant to the authority granted to GEPA by 10 GCA Chapter 47 and Public Law 25-152, GEPA hereby notifies Respondent of the Administrator's decision to issue a penalty order pursuant to 22 GAR §10114(b), which authorizes a civil penalty of no more than Ten Thousand Dollars (\$10,000) per day per violation. Proposed penalties for each violation are as follows:

1. **Penalty for Violations 1 and 4**

For Violations No. 1 and No. 4 (Upper Tumon), GEPA is proposing a total civil penalty amount of **Two Hundred Fifty Dollars (\$250.00) per violation, per day**. In accordance with 22 GAR §10114(b)(2), this penalty is proposed based on the following factors considered by GEPA: 1) This was Respondent's first violation; 2) Respondent was negligent in performing work without a permit, however Respondent may not have personally known a permit was required; and 3) there were no direct or indirect impacts, but there was a potential for slight impacts to neighboring properties. In addition, GEPA

also took into consideration the fact that Respondent is a small business and may have a limited ability to pay a larger amount.

Violation No. 1 is being assessed for a total of three (3) days, from November 15 to November 17, the number of days elapsed between the original complaint and the date that Respondent was ordered to stop working.

Violation 4 is being assessed for a total of ninety (90) days, from November 15, 2021 to February 13, 2022, on the basis of a reasonable estimate of the time period during which E&SC BMPs would be required to both protect against the off-site discharge of sedimentation during active earthmoving operations, and during the time required for the site to stabilize naturally without additional stabilization measures such as hydroseeding.

2. Penalty for Violation 3

For Violation No. 3, GEPA is proposing a total civil penalty amount of **One Thousand, Five Hundred Dollars (\$1,500.00) per violation, per day**. In accordance with 22 GAR §10114(b)(2), this penalty is proposed based on the following factors considered by GEPA: 1) This was no longer Respondent's first violation: Respondent had been issued a written order with specific requirements that Respondent did not follow, which constituted a new and separate violation; 2) Respondent knowingly violated of the terms of the Stop Work Order, based on having received both the written Stop Work Order as well as reminders and verbal instructions to install erosion and sediment control best management practices and to apply for a permit; and 3) there were no direct or indirect impacts, but there was a potential for slight impacts to neighboring properties. In addition, GEPA also took into consideration the fact that Respondent is a small business and may have a limited ability to pay a larger amount.

Violation No. 3 is being assessed for a total of four hundred nine (409) days, or the period of time during which Respondent failed to take the actions required under GEPA's Stop Work Order starting the day it was issued, November 17, 2021, to the end of 2022.

3. Penalty for Violations 2 and 5

For Violations No. 2 and 5 (Tanguisson), GEPA is proposing a total civil penalty amount of **Four Thousand, Five Hundred Dollars (\$4,500.00) per violation, per day**. In accordance with 22 GAR §10114(b)(2), this penalty is proposed based on the following factors considered by GEPA: 1) Respondent had previously received a Stop Work Order for a similar violation (Upper Tumon); 2) Respondent was verbally notified that the work required a permit, yet continued to work without one; 3) Respondent appears to have therefore purposely continued to work in violation of the requirements to first obtain a permit and to install E&SC BMPs; and 5) the larger size of the earthmoving activities and the potential for significant direct impact to adjacent properties and valuable, sensitive water resources. In addition, GEPA also took into consideration the economic benefit or savings to Respondent by failing to obtain a permit or install E&SC BMPs, and the fact that Respondent is a small business and may have a limited ability to pay a larger amount.

Violation No. 2 is being assessed for a total of one hundred fifty nine (159) days, from July 25 to December 31, 2022, which is the time that elapsed from the day GEPA first observed the unpermitted clearing activities near Tanguisson Beach and notified Respondent, to the end of 2022.

Violation 5 is being assessed for a total of ninety (90) days, from July 25, 2021 to October 23, 2022, on the basis of a reasonable estimate of the time period during which E&SC BMPs would be required to both protect against the off-site discharge of sedimentation during active earthmoving operations, and during the time required for the site to stabilize naturally without additional stabilization measures such as hydroseeding.

The total proposed penalty amount is therefore One Million, Seven Hundred Fifty Seven Thousand, Two Hundred Fifty Dollars (\$1,757,250), as detailed above and shown in the following table.

Violation No.	Description	Time period	Penalty	Total
1	Unpermitted work (Upper Tumon)	Nov. 15 to Nov. 17, 2021: 3 days	\$ 250	\$ 750
2	Unpermitted work (Tanguisson)	Jul. 25 to Dec. 21, 2022: 159 days	\$ 4,500	\$ 715,500
3	Violation of Stop Work Order	Nov. 17, 2021 to Dec. 21, 2022: 409 days	\$ 1,500	\$ 613,500
4	Failure to install E&SC BMPs (Upper Tumon)	Nov. 15, 2021 to Feb. 13, 2022, 2021: 90 days	\$ 250	\$ 22,500
5	Failure to install E&SC BMPs (Tanguisson)	Jul. 25 to Oct. 23, 2022: 90 days	\$ 4,500	\$ 405,000
TOTAL PROPOSED PENALTY				\$ 1,757,250

This order does not prevent GEPA from taking additional actions including the issuance of penalties under 22 GAR §10115(a)(2) or (b). Please also note that if you fail to take the remedial actions listed above within the required timeframe(s), additional violations, remedial actions, and penalties may be assessed by Guam EPA.

RIGHT TO APPEAL:

You may file within thirty days of the date of your receipt of this Notice of Violation/Compliance Order/Proposed Penalty Order, a Notice of Intent to Appeal also known as a Notice of Defense with the Guam EPA's Board of Directors. A copy of the Notice of Intent to Appeal/Notice of Defense is attached for your convenience.

Unless a written request for a hearing signed by or on behalf of the person, agency or business entity named above in this Notice of Violation/Compliance Order/Proposed Penalty Order is hand delivered or mailed to GEPA within thirty days after the Notice of Violation/Compliance Order/Proposed Penalty Order was personally served on you or mailed to you, GEPA may proceed upon the Notice of Violation/Compliance Order/Proposed Penalty Order without a hearing. A request for hearing may be made by delivering the enclosed form entitled "Notice of Intent to Appeal also known as A Notice of Defense", or by delivering a notice of defense as provided in 5 GCA §9205, to the following address:

Guam Environmental Protection Agency Board of Directors
C/o Administrator Guam Environmental Protection Agency
Building 17-3304 Mariner Avenue
Tiyan Barrigada, Guam 96913

If you file a Notice of Intent to Appeal/Notice of Defense, the GEPA's Board of Directors shall hold a public hearing, at which time you may appear and present evidence in person or through counsel in support of this petition.

Failure to file a Notice of Intent to Appeal within the period specified above will constitute a waiver of your right to a hearing. If you waive your rights to a hearing the Notice of Violation/Compliance Order/Penalty Order will become final, and GEPA may proceed upon the Order without a hearing and without further notice to you.

Should you have any questions or need additional information, please do not hesitate to contact me or Water Division Chief Engineer, CAPT Brian Bearden, P.E., BCEE at 300-4786 and 300-4779, respectively.

Dangkolu na si Yu'us ma'ase'.

Senseramente,



WALTER S. LEON GUERRERO
Administrator

Attachments: Notice of Defense Form
Stop Work Order dated Nov. 17, 2021
Inspection Report dated Apr. 1, 2022
Solid Waste Complaint No. 2022-0539 dated Jun. 27, 2022
Inspection Report/photos (Tanguisson Beach) dated Jul. 25, 2022
Inspection Report/photos (Upper Tumon) dated Jul. 29, 2022
Inspection Report/photos (Tanguisson Beach) dated Nov.30, 2022
Inspection Report/photos (Tanguisson Beach) dated January 13 & 19, 2023

cc: Director, DPW
GEPA Legal Counsel



Guam Environmental Protection Agency
P.O. Box 22439, GMF,
Barrigada, Guam 96921



NOTICE OF INTENT TO APPEAL (AKA NOTICE OF DEFENSE)

I, _____, have received your Notice of Violation, Order of Compliance and/or Administrative Penalty Order dated _____, charging me for violations and/or imposing penalties and/or other orders, and I wish to:

(Please check appropriate sections)

☐ **A. Request for a hearing and**

- ☐ 1. Object to the accusation on the ground that it does not state acts or omissions upon which the Agency can proceed.
- ☐ 2. Object to the form of the accusation on the ground that it is so indefinite or ambiguous that I cannot identify the infraction or prepare my defense.
- ☐ 3. Wish to prepare new matter in my defense.
- ☐ 4. Admit to the accusation in part.

☐ **B. Admit to the accusation in whole.**

My mailing address is:

SIGNATURE

DATE

GUAM EPA CASE NO.: _____



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STOP WORK ORDER

Notice of Violation issued to ("Respondent"): Control Number: WPC2022-0001

Owner name: Park, Chu Woo

Email: _____ Phone: _____

Mailing Address: P.O. Box 27333 Barrigada, Guam 96921

Physical address: Lot: 5119-2-NEW Upper Tumon

Description of Violation(s):

GEPA staff conducted an inspection of the premises described above and found the following violations:

1. Work consisting of one or more of the following was observed to be underway, or already completed, without a grading permit: grading, clearing, grubbing, embankment, filling, excavation, or other earth-moving activity.

The facts described above indicate a violation of 22 GAR §10103(A), "Permits Required": "(1) *Unless exempted, no person shall commence or perform any grading, clearing, grubbing, embankment, filling, excavation or other earth-moving activity without a grading permit; (B) Unless exempted, no person shall commence or perform any stockpiling without a stockpiling permit.*"

Stop Work Order:

Under the authority of the Guam Soil Erosion and Sediment Control Regulations, 22 GAR §10110(C), Respondent is ordered to immediately cease all earth-moving and construction activities and comply with the following:

Within 7 calendar days:

- ☒ Apply for an after-the-fact permit to the Department of Public Works. Pursuant to 22 GAR §10108(F), two times the regular fees shall be assessed for work which has commenced or been accomplished without a permit.
- ☒ Remove all solid waste located in the fill/grubbing area on the slope.
- ☒ Install perimeter sediment controls such as silt fence.

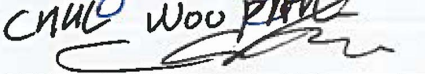
This Stop Work Order does not prevent the Guam Environmental Protection Agency (GEPA) from issuing additional orders or taking additional enforcement action. Civil penalties of up to \$10,000 per violation, per day may be assessed as long as the violation continues. Pursuant to 22 GAR §10110(B), GEPA will transmit a copy of this Stop Work Order to the Department of Public Works (DPW). Both GEPA and DPW shall jointly enforce this Stop Work Order.

Inspector and Recipient Signature

Inspector Name: Verony M. Charfauros
and Helen R. Gumataotao

Title: Environmental Inspector

Inspector Signature: 

Received by:  Nov. 17, 2021

Date and time of inspection: Nov. 15, 2021 / 8:44AM

PRINT NAME AND SIGN

Questions regarding this Stop Work Order should be referred to Guam EPA at 300-4751/52/53



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Water Pollution Control Program
Water Division
Guam Environmental Protection Agency
Inspection Report

Re: Follow up on Stop Work Order issued to Mr. Park, Chu Woo on Nov. 17, 2021.

Date of Inspection: April 01, 2022

Time of Inspection: 12:50pm

Inspected by: GEPA Staff(s): Verony Charfauros and Helen Gumataotao, WPC Inspector's

Background:

On Nov. 15, 2021 at 1:30pm, GEPA Staff(s) Verony Charfauros and Helen Gumataotao, WPC Inspectors responded to a complaint at 5119-2-NEW Upper Tumon across from DPW One Stop of a clearing and grading with solid waste being thrown over the back side of the hill. Further inspection we spoke with a worker of Mr. Park who was wielding pipes for a fence along the back area. As per the employee he did not know if permits were acquired before the start and that we would have to speak to his boss Mr. Park. GEPA Inspector's Mr. Charfauros and Mrs. Gumataotao instructed the employee to stop any work until this matter is addressed with the owner Mr. Park.

GEPA Inspector Mr. Charfauros, spoke to Mr. Park over the phone and asked if he had a permit for clearing and grading. We asked Mr. Park to meet us at his property at Upper Tumon which he did. As per Mr. Park, no permit to clear and grade and renovate was obtained, so Mr. Charfauros informed Mr. Park to stop all work until he applies for a permit to do the work. On Nov 17, 2021 a Stop Work Order was issued and received by Mr. Park for no permit and BMP's and he was to comply with and inform Guam EPA of the completion so it can be re inspected for compliance.

On April 01, 2022, at 12:50 pm, GEPA Staff(s) Verony Charfauros and Helen Gumataotao, WPC Inspectors called Mr. Park to meet us at his property in Upper Tumon to discuss the Stop Work Order he received back in Nov. 17, 2021. Mr. Charfauros spoke to Mr. Park and it seemed he did

not remove most of the solid waste to include the green waste he pushed over the side of the hill, he only removed the fence and no BMP's were installed although the grass has since grown back. As per Mr. Park he informed Mr. Charfauros that he indeed removed the waste and brought it to his scrap yard at the Port. Upon our inspection as seen in the attached photo the green waste that was pushed and some of the waste was still present to this date.

Lot: 5119-2-NEW Upper Tumon
Owner: Park, Chu Woo Date: April 01,
2022 Time: 12:50pm



**Photos #1: On Nov. 15, 2021 this area was cleared and graded with no BMP's installed.
The above photos taken on April 01, 2022 show the grass has since grown back.**



Photo #2: Pipes from the railings being installed on Nov. 15, 2021 has been removed and pushed over the edge here. 4/01/2022



Photo #3: Green waste still remains since our first inspection Nov. 15, 2021, seems nothing has been removed as per the stop work order. 4/01/2022



Photo #4: The solid waste that was thrown over the side still remain since our inspection on Nov. 15, 2021 when we responded to this clearing and grading complain in 2021. This photo was taken on April 01, 2022 and nothing has been addressed as per the Stop Work Order. 4/01/2022

GEPA Staff(s):

Verony Charfauros, WPC Inspector

Helen Gumataotao, WPC Inspector

Date: April 01, 2022



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SOLID WASTE WRITTEN WARNING

COMPLAINT NO. 2022-0539

THIS WRITTEN WARNING IS BEING ISSUED TO MR. CHUL WOO PARK-, ON 6/27/2022 FOR ONE OR MORE OF THE PROHIBITED SOLID WASTE ACTIVITIES LOCATED ON MARINE CORPS DRIVE, TAMUNING AS INDICATED BELOW.

Check Applicable Violation:	SECTION	Title 10 Guam Code Annotated (GCA), CHAPTER 51, Solid Waste Management and Litter Control
X	51110(a)(1)	"It shall be unlawful for any person to violate any provision of this Chapter or any rule, regulation, standard, or order issued under this Chapter."
		<i>As described in this Written Warning, Mr. Park violated the Solid Waste Management and Litter Control provisions.</i>
	51110(a)(2)	Own, operate, or use a dump for the disposal of solid waste;
X	51110(a)(3)	"It shall be unlawful for any person to place, or allow to be placed, any solid waste upon the highways, public or private property contrary to the provisions of this Chapter."
		<i>Mr. Park has been notified of mixed metals and debris located at the rear portion of the property that was cleared and pushed back.</i>
	51110(a)(4)	Manage solid waste facilities without a permit issued under Chapter 51;
X	51110(a)(5)	"It shall be unlawful for any person to store, collect, transport, process, or dispose of solid waste in such a manner as to degrade the environment, create a public nuisance, create a health or safety hazard, or violate any provisions of this Chapter."
		<i>Mr. Park stores solid waste such as metal scrap on and along the rear portion of his property, creating a health and safety hazard and public nuisance.</i>
	51110(a)(6)	Transport any solid waste in any vehicle in any street or highway unless adequate precautions are taken to prevent such solid waste from falling or from being dislodged from such vehicle upon any road, highway, or any other public or private property;
	51110(a)(7)	Not immediately pick up any remove waste which has fallen off the vehicle they are operating during the course of transportation upon any street, highway or any other public or private property.
	51110(a)(8)	No person shall destroy or attempt to destroy by burning, except in an incinerator the construction and operation of which is approved by the Administrator, or as may otherwise be authorized by the Administrator, any garbage, dead animals, or other offensive substances, the burning of which may give off a foul and noisome odor. Nothing in this Section shall preclude the burning of trees, brush, grass, and other vegetable matter authorized by the Administrator.

MR. PARK SHALL ENSURE THE CORRECTIVE MEASURES STATED ON THIS FORM. FAILURE TO CORRECT THE VIOLATION(S) BY FRIDAY, JULY 14, 2022 MAY RESULT IN ISSUING A NOTICE OF VIOLATION AND ORDER OF COMPLIANCE. FAILURE TO COMPLY WITH AN ORDER OF COMPLIANCE MAY RESULT IN CIVIL PENALTIES. CIVIL PENALTIES FOR SOLID WASTE VIOLATIONS MAY BE UP TO \$1,000 PER DAY PER VIOLATION.

CORRECTIVE MEASURES:
1. Cease all illegal solid waste activity on private property.
2. Clean and adequately dispose of all solid waste and mixed metals located on the rear portion of the property.
3. Provide a copy of the Solid Waste Disposal Receipts to Guam EPA within seven days of completion.

I have read the above violation(s), and I am aware of the corrective measures.

David Park FOR MR. PARK 6/30/22
 RESPONSIBLE PARTY: PRINT / SIGN DATE
RICHARD DIEGO R. DIEGO 6/30/22
 GEPA REPRESENTATIVE: PRINT / SIGN DATE

Should you have any questions or concerns, please get in touch with Guam Environmental Protection Agency. (Solid Waste Management Program) at 300-4751/52.

Name	MR. CHUL WOO PARK
Guam ID/Vet. Card/Driver's License	DL#
Business/Contractor's License	
Address/Lot No.	Marine Corps Drive, Tamuning, Guam
Mailing Address	P.O. Box 27333 Barrigada, Guam 96921
Contact Number(s)	



GUAM ENVIRONMENTAL PROTECTION AGENCY

AFHENSIAN PRUTEKSION LINA'LA GUAHAN

Solid Waste Management Program Complaint Form

Response Number	Date	Time	Received By	
2022-0539	June 27, 2022	08:00	glenn.sannicolas	
Assigned To		Date Assigned		
richard.diego		June 27, 2022 09:00		
Reporting Party		Organization		
Andy Blakely				
Address		Contact Number		
Incident Type	Projected Quantity	Incident Cause		
Lit/ill store	36cy	Cleared Property		
Location	Village	GPS Reading		
Marine Corps Dr.	Tamuning (96913)	Latitude: 13.500508, Longitude: 144.794614		
Suspected Responsible Party(SRP)		SRP Organization		
Mr. Chul Woo Park				
SRP Address		SRP Contact Number		
Marine Corps Drive/Behind Pat's Window				
Sector	Individual	Private	Gov Guam	Military
		X		
Incident Details				
<p>6/27/22 RJ @ 10:00 Gate was locked, contacted Mr. Park.</p> <p>- OBSERVED APP. 36cy OF MIXED METALS & DEBRIS TOWARDS THE REAR PORTION OF THE PROPERTY. THE PROPERTY IS LOCATED BEHIND PAT'S WINDOW TIENTUNG IN TAMUNING.</p> <p>- INFORMED MR. PARK METALS & DEBRIS MUST BE DISPOSED & PROVIDE RECEIPTS TO GEPA BY FRIDAY 7/14/22</p>				
Status	VC CLOSED			



GUAM ENVIRONMENTAL
PROTECTION AGENCY

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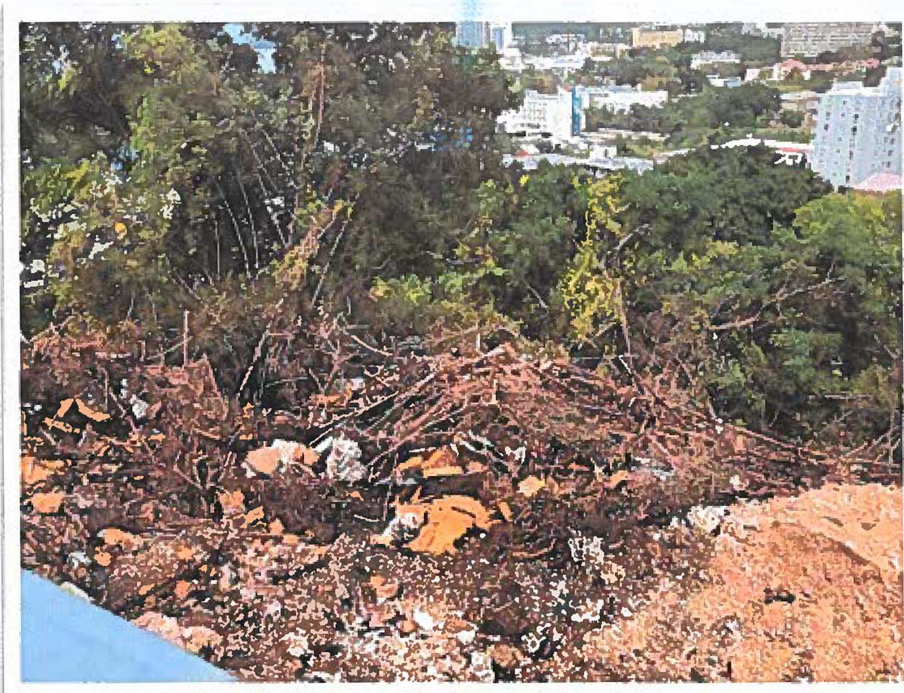
AFHENSIAŇ PRUTEKSION LINA'LA GUAHAN



Owner: Park, Chu Woo
Lot: 5119-2-NEW Upper Tumon
Date: Nov. 16, 2021 Time: 1:30pm



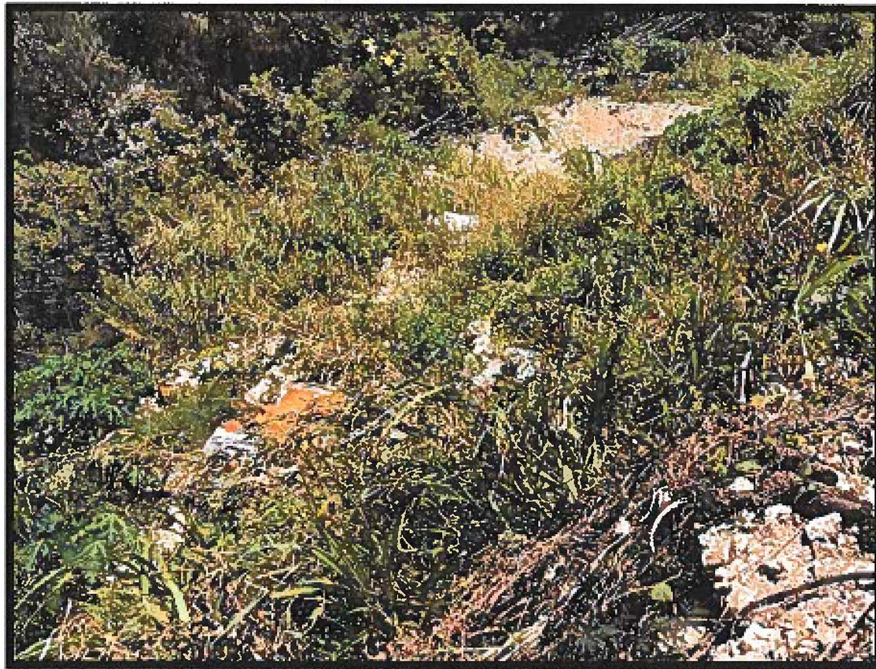
Lot 5119-2-NEW Upper Tumon. No BMP's and Solid Waste seen all over the side of property that has been cleared. Nov. 16, 2021





Nov. 16, 2021 Upper Tumon complaint no BMP's and solid waste pushed over the side of the property.

Lot: 5119-2-NEW Upper Tumon
Owner: Park, Chu Woo
Date: April 01, 2022 Time: 12:50pm



**Photos #1: On Nov. 15, 2021 this area was cleared and graded with no BMP's installed.
The above photos taken on April 01, 2022 show the grass has since grown back.**

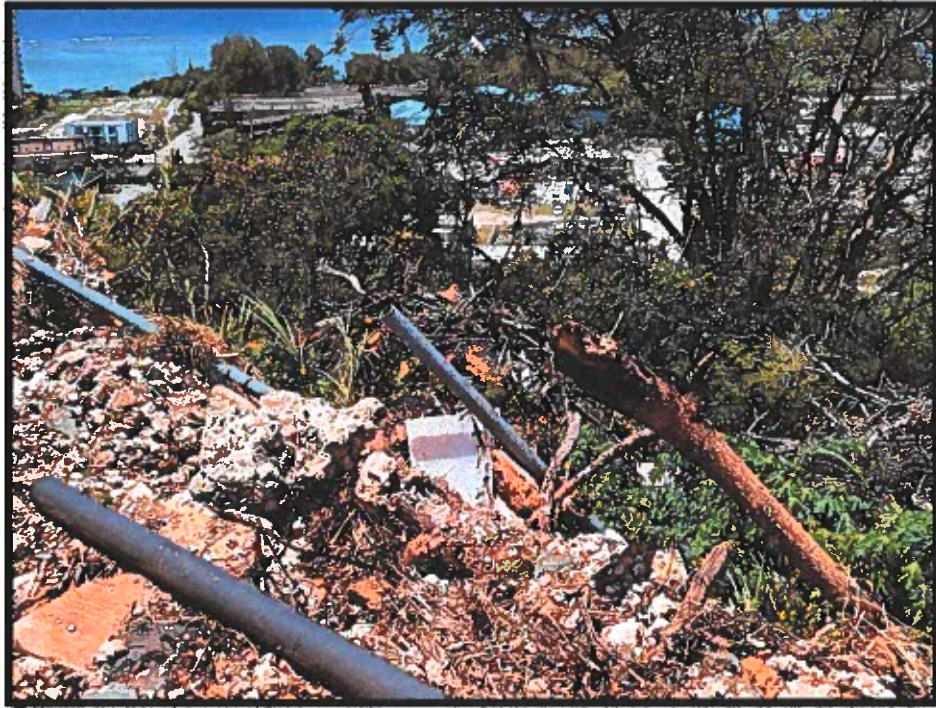


Photo #2: Pipes from the railings being installed on Nov. 15, 2021 has been removed and pushed over the edge here. 4/01/2022



Photo #3: Green waste still remains since our first inspection Nov. 15, 2021, seems nothing has been removed as per the stop work order. 4/01/2022



Photo #4: The solid waste that was thrown over the side still remain since our inspection on Nov. 15, 2021 when we responded to this clearing and grading complain in 2021. This photo was taken on April 01, 2022 and nothing has been addressed as per the Stop Work Order. 4/01/2022

GEPA Staff(s):

Verony Charfauros, WPC Inspector

Helen Gumataotao, WPC Inspector

Date: April 08, 2022



GUAM ENVIRONMENTAL PROTECTION AGENCY • *AHENSIAŇ PRUTEKSIÓN LINA'LA' GUÁHAN*

LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO • ADMINISTRATOR | MICHELLE C. R. LASTIMOZA • DEPUTY ADMINISTRATOR

Water Pollution Control Program
Water Division
Guam Environmental Protection Agency
Inspection Report
Tanguisson Beach clearing, no BMP's

Complaint No.: WPC2022-0029

Date of Inspection: July 25, 2022

Time of Inspection: 9:37 AM

Inspected by GEPA Staff(s): Verony Charfauros, WPC Inspector and
Helen R. Gumataotao, WPC Inspector

Complaint: Clearing and Grading down at Tanguisson Beach possible no permit and
No BMP's.

On July 25, 2022, 7:01 AM, GEPA Chief Brian Bearden sent out via the Water Division Whatsapp about a Clearing/Grading, no Permit and BMP's down at Tanguisson Beach area. GEPA Inspectors Verony Charfauros and Helen Gumataotao responded to the complaint around 9:37 AM, gate to the beach was open so we headed down to the site. No one was at the site but the work had been done no BMP's anywhere (see attached photos 1, 2&3) unsure if permits were acquired to do the work. Owner of this property is currently unknown at this time.

Located at the site was a machine used to up root tree stumps (see attached photos 9&10) and 2 flatbed vehicles one belongs to GSM Recycling (see photos 11 &12) and the other has no logo used to carry a generator. (see photo 14&15) The driver of the unidentified flatbed carrying the generator (#1711 CV) exits the truck and walks away from the vehicle, we tried to ask him some questions but he continues to ignore us. The driver tells inspector Charfauros to give him space and he did, the he comes back toward Mr. Charfauros and motions to fight with him at this time the gentleman starts to be hostile toward inspectors Charfauros and Gumataotao. He would not respond to any questions. It was then that Mr. Charfauros proceeds to call the Cops (GPD) for their

assistance with this matter since the gentleman was not cooperating with us. GPD arrived at the site, we gave them our statements and they proceeded to look for the driver but were not successful in locating him since he had fled on foot before they arrived.

On July 29, 2022, 10:00 AM, GEPA Staff(s) Verony Charfauros and Helen Gumataotao proceeded to follow up on a lead and headed over to Mr. Chu Woo Park (P.O. Box 27333 Barrigada, Guam 96921) at Lot 5119-2-NEW Upper Tumon across from DPW One-Stop office. This location was identified by Mr. Chu Woo Park's son as both his place of residence and business. It was then we saw the GSM flatbed #4448 CV that was located at Tanguisson Beach on July 25. (see Upper Tumon photos 3&4) We spoke to Dae IL Park, whose father is Mr. Park, (see Upper Tumon attached photo #8) just outside the building. As per Mr. Dae Park his father did the clearing of the Tanguisson Beach property and was not aware they needed a permit for clearing/grading. Mr. Chu Woo Park is the owner of GSM Recycling and they just got their business license and are located down at the Port, their office will be at the Upper Tumon property. (see attached photo 1&2)

As per Mr. Dae Park, he mentioned they owned the RV's located on the Upper Tumon lot and their intent is to move them down to the Tanguisson property. (see Upper Tumon photos 5&6) Inspector Mr. Charfauros asked if they have a lease agreement for the Tanguisson property and Mr. Dae Park said he can look for it. There is a big white tank they plan on using to hold water and possibly place down at Tanguisson. (see Upper Tumon photo #7) It seems this is not the very first time Mr. Chu Woo Park has done clearing/grading without a permit. Mr. Park was issued a Stop Work Order (WPC2022-0001) on Nov. 17, 2021 for his Upper Tumon Property for clearing/grading without a permit. (see attached Stop Work Order)

Report prepared by:


Helen R. Gumataotao

Date: _____

GEPA Staff(s): Verony Charfauros, WPC Inspector
Helen R. Gumataotao, WPC Inspector

TANGUISSON BEACH COMPLAINT
DATE: 7/25/2022 TIME: 9:37 AM
GEPA INSPECTOR(S): VERONY CHARFAUROS and
HELEN R. GUMATAOTAO



Photo #1 7/25/2022



Photos 2: 7/25/2022



Photos 1, 2&3: Clearing of this area no BMP's. 7/25/20



Photo 4: 7/25/2022



Photo 5: Shown here are concrete slabs possibly to be used for holding tank. 7/25/2022



Photo 6: 7/25/2022



Photo 6&7: Clearing of vegetation in this area. 7/25/2022



Photo 8: 7/25/2022



Photo 9: Clearing of vegetation. 7/25/2022



Photo 10: Found at site. 7/25/2022



Photos 11 & 12: Truck found at site. 7/25/2022



Photo 12: 7/25/2022



Photo 13: License plate of GSM truck at site. 7/25/2022



Photo 14: Driver of truck was did not cooperate with GEPA staff. 7/25/2022



Photo 15: License plate of flatbed w/generator. 7/25/2022

**GEPA Staff(s): Verony Charfauros, WPC Inspector
Helen Gumataotao, WPC Inspector**

**Date: July 25, 2022
Time: 9:37 AM**

UPPER TUMON PROPERTY

LOT: 5119-2-NEW

OWNER: CHU WOO PARK

TEL:

DATE: JULY 29, 2022 TIME: 10:00AM

**GEPA INSPECTOR(s): VERONY CHARFAUROS and
HELEN R. GUMATAOTAO**



Photo 1: 7/29/2022



Photos 1&2: Possible Office of GSM Recycling Lot: 5119-2-NEW Upper Tumon

GSM Recycling facility located down at the Port. Owner: Chu Woo Park 7/29/2022



Photo 3: 7/29/2022



Photos 3&4: Truck found at Tanguisson Beach on 7/25/2022 is the same one shown here in this photo located at Upper Tumon property owned by Chu Woo Park. 7/29/2022



Photo 5: 7/29/2022



Photos 5&6: RV homes to be used down at Tanguisson Beach area. 7/29/2022



Photo 7: Possible tank to be used at Tanguisson Beach as a water tank. 7/29/2022



Photo 8: Driver's License of Dae IL Park (son of Chu Woo Park)

**GEPA Staff(s): Verony Charfauros, WPC Inspector
Helen Gumataoato, WPC Inspector**

**Date: July 29, 2022
Time: 10:00 AM**

Tanguisson Beach

Date: Nov. 30, 2022 Time: 9:37 AM

**Guam EPA Inspector's: Verony Charfarous, WPC and
Helen Gumataotao, WPC**



Photo #1: Shows newly installed power pedestal down at Tanguisson Beach. 11/30/2022



Photo #2



Photo #3: Photo's 2 & 3 show the power line that has been installed into the property from the power pedestal. 11/30/2022



Photo #4: Shows an access road from where the power pedestal leading into The beach property. No Clearing/Grading permit was obtained for this project. 11/30/2022

Tanguission Beach Complaint

Date: 01/13/2023

Time: 12:20 PM

Guam EPA Staff(s): Verony Charfauros, WPC

Helen Gumataotao, WPC and Raymond Cruz, SDW



Photos 1 & 2: Tanguission Beach, signs located at the entrance area leading down to the camp site. 01/13/2023



Photos 3 & 4: There are about 10 mobile RV's that were seen on this beach area in Tanguisson. 01/13/2023



Photos 5 & 6: Show waste disposal line from RV. 01/13/2023



Photos 7 & 8: Show the waste disposal line going out here, the line is not done.
01/13/2023

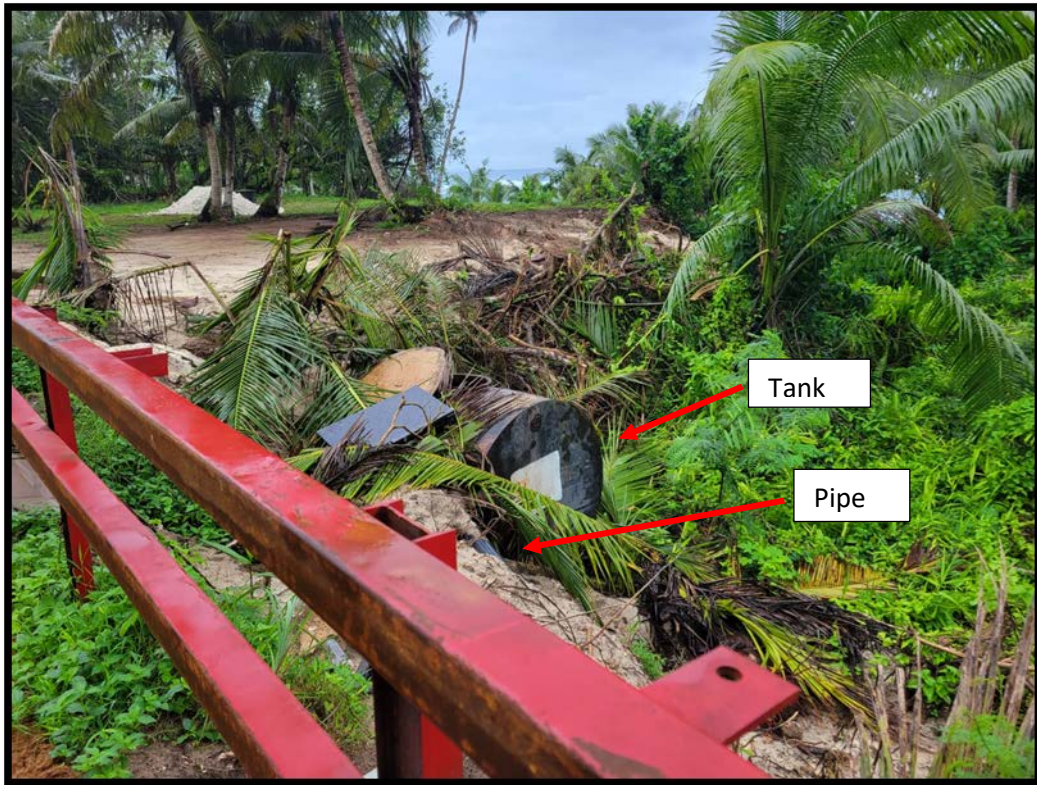


Photo 9: Shows a tank in this area with a pipe leading towards it, possibly for their wastewater collection. 01/13/2023



Photo 10: Water Tank and pump located in this area. 01/13/2023

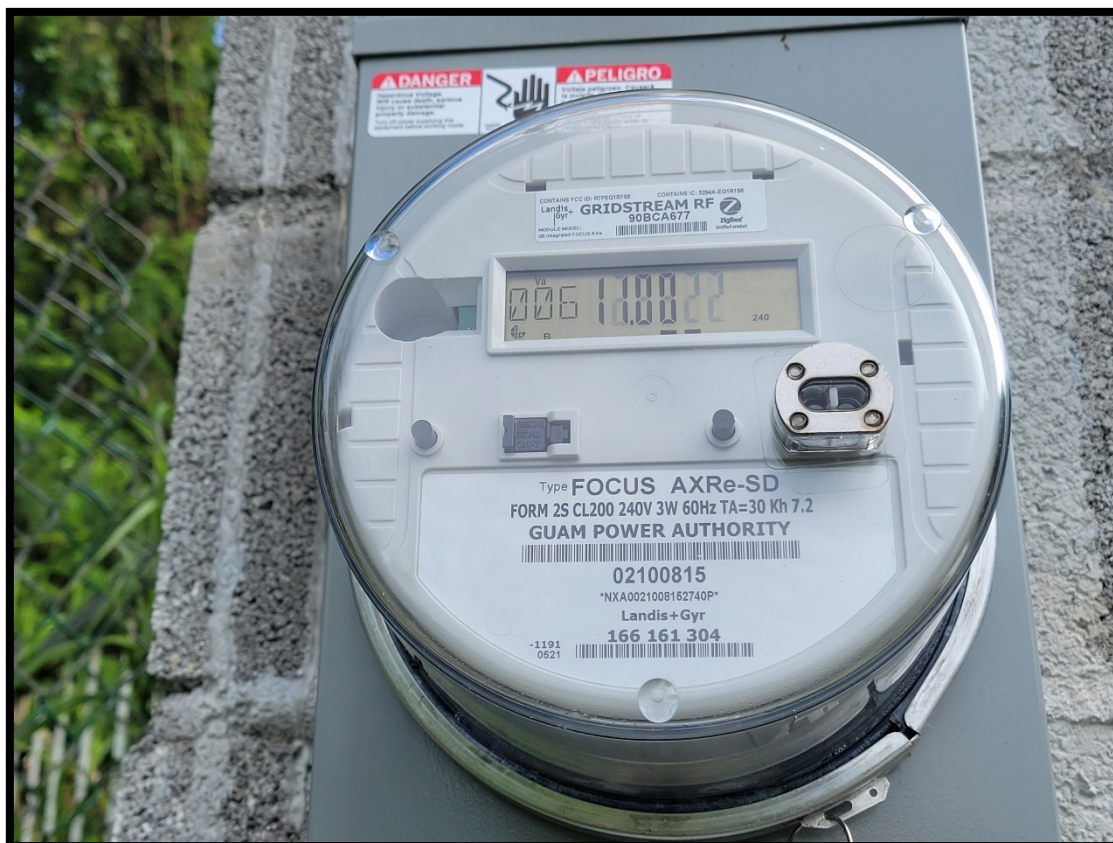


Photo 11: Power meter located at Tanguisson Beach. Is registered to "Guam USA Caravan Corp." 12/29/2022

SUP + RV Package \$600

Check-in/out time 15:00-11:00

RV type: TUMON (4p) or TAMUNING (6p)
 SUP type: 2 of size 11' (2people)
 Or
 1 of size 16' (6people)

*Life jacket will provides for free, the quantity will depends on the SUP type

Accommodation for up to 6 people
 6 friends can be invited (leave before 23:00)

What this place offers

- Ocean view
- Luxury RV
- SUP
- Indoor fireplace
- Air conditioning
- WiFi
- Free private parking
- Outdoor BBQ grill
- Outdoor foldable furniture
- 2 Beach chairs

*Required 50% deposit for reservation the rest amount will paid by check-in

Cancellation before 10 days of the date of reservation will be a full refund of deposit.

Cancellation within 10 days of the date of reservation Non-refundable deposit.

R O O M (G U E S T)	
MAITE (2-3)	\$400
TALOFOFO (3-4)	\$450
MANGILAO (6)	\$500
AGANA (6)	\$500
YIGO (4-6)	\$500
SANTARITA (5-6)	\$500
DEDEDO (4-6)	\$500
HARMON (6)	\$550
TAMUMING (6)	\$600
TUMON (4)	\$600

Photo 12: Sup Packages for Tanguisson Beach Camping received via Whatsapp. 01/19/2023

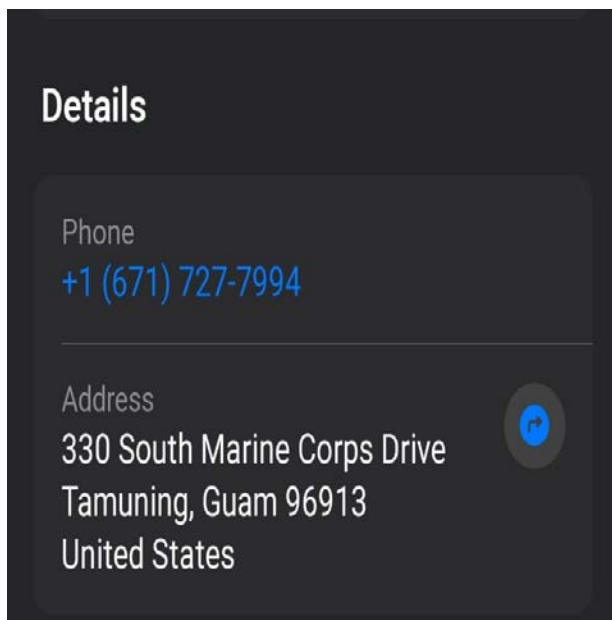
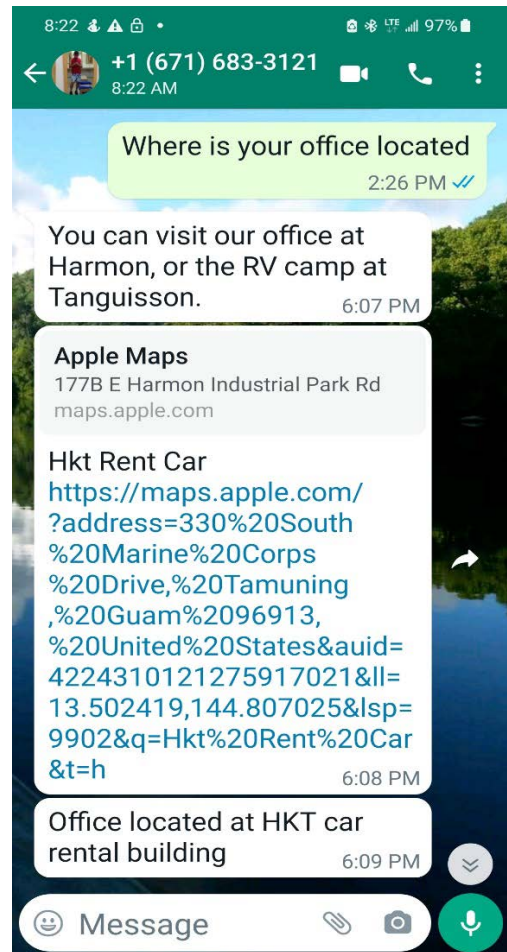
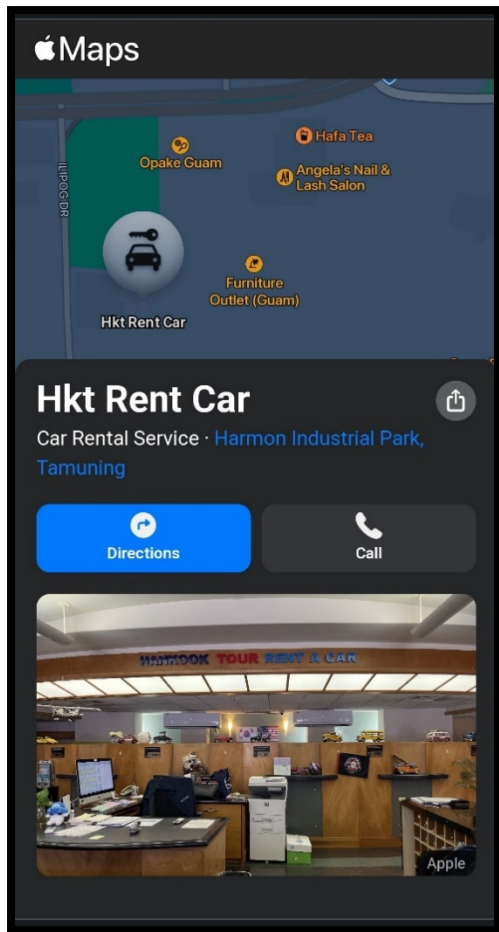


Photo 13: Sup in Guam has 2 locations, one at HKT Car Rental building in Harmon and the other at Tanguisson Beach received Whatsapp. 01/19/2023

On January 13, 2023, at 12:20 pm, Guam EPA Staff(s) Verony Charfauros, WPC, Helen Gumataotao, WPC and Raymond Cruz, SDW conducted an inspection at Tanguisson Beach as part of an ongoing investigation for clearing and grading without a permit. While at the site we notice there were about 10 RV's that have been placed at the beach. **(See attached photos 3 & 4)** We also noticed their wastewater disposal system was being hooked up with the pipes leading to a nearby tank **(See photos 5, 6, 7, 8 and 9)** and a power meter that was installed at the site. **(See photo 11)** Upon further investigation into the power meter we spoke with a GWA personal at their Dispute Resolution and Document Control Utility Service Division who was able to assist us in finding out the owner of the power meter. The meter is registered to "Guam USA Caravan Corp" and the processing of papers for the temporary meter was done by Matt Manibusan on 10/4/2022.

On January 19, 2023 at 11:05 am, called Dale Park, Location Manager for "Guam USA Caravan Corp" (671) 977-1667 to find out where their office is located at, as per Mr. Park it is down at the Tanguisson Beach area and that they are looking to open next month. I also contacted their Whatsapp no. (671) 683-3121 and inquired for more information on the Sup packages **(See photo 12)** and where their office is located at as per the conversation on Whatsapp they mentioned 2 locations one down at Tanguisson Beach and the other at HKT Rent Car in Harmon Industrial, tel. and address for HKT is also listed. **(See photo 13)**

Guam EPA Staff(s): Verony Charfarou, WPC
Helen Gumataotao, WPC
Raymond Cruz, SDW

Date: January 13, 2023

Time: 12:20 pm